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MAINTENANCE OF INTERNATIONAL SECURITY

Letter dated 11 September 1997 from the Permanent Representatives of Lithuania and Poland to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Final Statement by Mr. Algirdas Mykolas Brazauskas, President of the Republic of Lithuania, and Mr. Aleksander Kwasniewski, President of the Republic of Poland, issued at the conclusion of the Conference on Coexistence of Nations and Good-Neighbourly Relations - the Guarantee of Security and Stability in Europe, held at Vilnius on 5 and 6 September 1997.

We kindly request your assistance in distributing the text of the present letter and its annex as a document of the General Assembly, under item 81 of the provisional agenda.

(Signed) Zbigniew Maria WLOSOWICZ
Ambassador
Permanent Representative
of the Republic of Poland
to the United Nations

(Signed) Oskaras JUSYS
Ambassador
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to the United Nations

* A/52/150 and Corr.1.

ANNEX

Final Statement by the President of the Republic of Lithuania and the President of the Republic of Poland at the Conference on Coexistence of Nations and Good-Neighbourly Relations - the Guarantee of Security and Stability in Europe, issued at Vilnius on 6 September 1997

On 5 and 6 September 1997, the Presidents of Lithuania, Poland, Belarus, Bulgaria, Estonia, Finland, Hungary, Latvia, Republic of Moldova, Romania and Ukraine and the Prime Minister of the Russian Federation participated in an international conference at Vilnius. They were joined by politicians, scientists and public and cultural figures from Germany, Iceland, Norway, the United States of America and other countries, the Chairman of the Organization for Security and Cooperation in Europe, the President of the Parliamentary Assembly of the Council of Europe and representatives of the European Union.

The Presidents of the Republic of Lithuania and the Republic of Poland extended their sincere gratitude to all guests and participants of the 1997 Vilnius Conference.

The Presidents of Lithuania and Poland expressed their great appreciation for the support they received for the idea of holding the Conference from the Presidents of the Czech Republic, France, Germany, and the United States as well as other notable persons and politicians.

The Presidents noted with satisfaction that the principal aim of the 1997 Vilnius Conference had been attained: to communicate to Europe and the international community that good relations among neighbouring States contribute significantly to the building of a stable, secure and prosperous Europe.

The Presidents noted the need for All States to ensure compliance with the principles of democracy, the rule of law, the free market, freedom of expression and assembly, as well as respect for human rights and the rights of national minorities, which together constitute indispensable preconditions for overcoming the division of Europe and the development of good-neighbourly relations.

The Presidents reconfirmed the right of States to be free to choose their own security arrangements.

Summarizing the ideas and thoughts expressed at the Conference, the Presidents of Lithuania and Poland stated their conviction that all States shared an interest in implementing and fostering universally recognized principles of international law, including those enshrined in the Charter of the United Nations and the main documents of the Organization for Security and Cooperation in Europe and the Council of Europe.

The Presidents emphasized that the end of the cold war had offered an opportunity and a historic responsibility to the States represented at the Conference to develop relations in Central and Eastern Europe. Those States are united in the conviction that dialogue, cooperation, the elimination of

superstitions and stereotypes, respect for the principles of democracy, human rights, the rights of national minorities and the sovereignty of States strengthen security in the region and in all of Europe.

The Presidents stated their conviction that the process of enlargement of the European Union and the North Atlantic Treaty Organization, to which both Lithuania and Poland aspire, would expand the zone of security in Europe and, as a result, would contribute significantly to the building of a free, peaceful, secure and prosperous Europe.

Lithuania and Poland's current bilateral relations, a true strategic partnership, can be defined as historically their best. This is evidence that on the basis of the above principles, countries can overcome misunderstandings and historical disagreements and that national minorities can be a factor in bringing together and uniting neighbouring States.

The Presidents of Lithuania and Poland proposed to the participants of the Conference and to all other States that they continue the dialogue which started at Vilnius. The next meeting may take place in Poland in 1999.

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United Nations Decade of International Law

Note by the Secretary-General

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I. Introduction

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. At its fifty-first session, the Assembly adopted the programme for the activities for the final term (1997-1999) of the Decade. The programme was annexed to General Assembly resolution 51/157 of 16 December 1996. States and international organizations and institutions referred to in the programme were invited to provide to the Secretary-General relevant information on the activities they had undertaken. As regards the closing of the Decade, the General Assembly adopted resolution 51/159 of 16 December 1996. Chapters V and VI of the present note have been prepared in response to paragraphs 6 and 7 of General Assembly resolution 51/158 of 16 December 1996.

II. Promotion of the acceptance of and respect for the principles of international law

2. Upon the conclusion in 1986 of the Convention on the Law of Treaties between States and International Organizations or between International Organizations, the General Assembly, by its decision 41/420 of 3 December 1986, authorized the Secretary-General to sign the Convention, which was done on 12 February 1987. According to article 85 of the Convention, it shall enter into force "on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession by States". As of 21 August 1997, there were 23 contracting States, 16 other signatory States and 10 signatory organizations,[1] none of which had deposited an act of formal confirmation. The Secretary-General regrets that this major codification convention concluded under the aegis of the United Nations has been languishing for 11 years without any clear prospect of an early entry into force.

3. Having due regard to the objectives of the Decade, namely, to promote the acceptance of and respect for the principles of international law and to encourage the progressive development of international law and its codification, it would appear that taking concrete steps before the end of the Decade in 1999 towards the wide acceptance and early entry into force of the 1986 Convention would be an appropriate course of action. Member States may thus wish to consider whether it would be timely for the United Nations to deposit an act of formal confirmation of said instrument. Such a step would help build up momentum for new ratifications, and in particular would also encourage formal confirmations by other international organizations, especially those of the United Nations system.

III. Encouragement of the progressive development of international law and its codification

4. On the basis of the work of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space, the General Assembly, in its resolution 51/122 of 13 December 1996, adopted the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interests of All States, Taking into Particular Account the Needs of Developing Countries.

5. Pursuant to paragraph 18 of General Assembly resolution 51/160 of 16 December 1996, the Secretary-General has made arrangements "to commemorate the fiftieth anniversary of the establishment of the International Law Commission through a colloquium on the progressive development and codification of international law, to be held during the consideration in the Sixth Committee of the report of the Commission on the work of its forty-ninth session".

6. The Colloquium will take place on 28 and 29 October 1997 at United Nations Headquarters in New York. The purpose of the Colloquium will be to generate concrete and practical suggestions for enhancing the working capacity of the Commission and for making international law more effective and relevant to decision-making.

7. The themes of the Colloquium will be: an overview of the international law-making process and the role of the International Law Commission; major complexities encountered in contemporary international law-making; selection of topics for codification and progressive development by the Commission and its working methods; the Commission's work and the shaping of international law; enhancing the Commission's relationship with other law-making bodies and relevant academic and professional institutions; and making international law more relevant and readily available.

8. Participants will include States' representatives to the Sixth Committee of the General Assembly, legal advisers

of States, current members of the International Law Commission and some 30 invited experts from universities, research institutions and other organizations from around the world. Experts from the last category have been commissioned to prepare "ideas" papers containing concrete proposals on six specific topics. These ideas will be synthesized in one paper to serve as a basis for the discussions at the Colloquium. These non-governmental experts are expected to bring new perspectives to bear, to provide an objective assessment of the current situation in international law-making and to act as catalysts to the development of new ideas and innovative approaches. The policy makers, practitioners and other actors in the law-making process are expected to interact with the non-governmental experts and with each other and to respond to challenges and ideas coming from the academic and research communities. It is hoped that this approach will result in a set of practical suggestions to increase the contributions of the Commission and of the Sixth Committee to the making of international law.

9. The Proceedings of the Colloquium will be published. The discussions will be videotaped and the taped footage will be utilized to produce a one-hour course on international law which will be distributed, subject to financial constraints, to schools, universities, research institutions, parliamentarians and foreign ministries to promote both knowledge and understanding of international law and international relations. In addition, the main conclusions of the Colloquium will be placed on the United Nations Web site for public use.

10. Several States, foundations and research institutions have made contributions or pledges to the trust fund set up specifically to defray the costs incurred by the Colloquium, particularly the travel expenses for the 30 participants from the academic and research institutions.

11. The International Law Commission will organize a seminar at Geneva to celebrate its fiftieth anniversary on 22 and 23 April 1998, during the fiftieth session of the Commission. The seminar will be organized jointly by the Commission, the Government of Switzerland and the Graduate Institute of International Studies. The seminar will be devoted to the critical evaluation of the work of the Commission and the lessons learned for its future.

IV. Encouragement of the teaching, study, dissemination and wider appreciation of international law

12. In order to facilitate access to information concerning United Nations activities in the field of international law, a specific sub-site (http://www.un.org/law) has been added to the home page of the Organization. It contains material on: International Court of Justice; Codification, Development and Promotion of International Law; International Trade Law; Law of the Sea; Treaties; and International Criminal Tribunal for the Former Yugoslavia. The respective units of the Office of Legal Affairs are responsible for providing information for their sub-sites. Data are generally posted, initially, in English, while other languages may be added thereafter.

13. The International Court of Justice sub-site contains basic information on the Court, including the names of the judges; a list of pending contentious cases; and summaries of the Court's recent judgments, advisory opinions and orders. The International Court of Justice will soon initiate its own home page on the Internet.

14. The Codification sub-site is intended to provide, on a regular basis, current information pertaining to the development of public international law. This sub-site contains, at present, summaries of the work of the Sixth Committee and of the International Law Commission, as well as the 1996 report of the Commission and the Convention on the Law of the Non-Navigational Uses of International Watercourses. Soon, the legal opinions contained in the *United Nations Juridical Yearbook* will also be added.

15. The International Trade Law site contains information on the United Nations Commission on International Trade Law (UNCITRAL); case-law on UNCITRAL texts (CLOUT); and the current status of conventions and model laws relating to international trade law.

16. The Law of the Sea site contains information on the United Nations Convention on the Law of the Sea; marine resources; related international organizations and institutions, conferences and meetings, documents and publications, education and training; as well as current news on the topic.

17. The United Nations Treaty database contains the electronic versions of *Multilateral Treaties Deposited with the Secretary-General* and the *United Nations Treaty Series*.

18. The International Criminal Tribunal for the Former Yugoslavia site contains, *inter alia*, the basic legal documents of the Tribunal and its cases, information on publications, as well as news and press releases.

19. The Codification Division of the Office of Legal Affairs is currently undertaking efforts to prepare abstracts of legal opinions published in the *United Nations Juridical Yearbook* for inclusion in the Global Legal Information Network (GLIN). GLIN is an automated, non-commercial database of national laws, statutes and regulations, developed and coordinated by the Law Library of the United States Library of Congress. GLIN contains information from more than 40 contributing countries in the Americas, Europe, Africa and Asia, with other countries being added on a continuing basis. At present, this database consists primarily of national legislation enacted from 1976 to the present. The database, which can be accessed by contributing countries using a password via the Internet, consists of searchable legal abstracts in English and some full texts of laws in the language of the submitting country. Within the United Nations, members of the permanent missions and the Secretariat can access GLIN from computer terminals in the Dag Hammarskjöld library.

20. Under the aegis of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the Secretariat is in the process of setting up an audiovisual library on international law. The library would collect, catalogue, distribute and loan audio and audiovisual tapes on various subjects of international law. The library would be open to all academic and governmental institutions of Member States and its collection would be made available to such institutions for teaching and training purposes. Relevant academic and research institutions have now been invited to participate in this project. The library will be administered by the Codification Division of the Office of Legal Affairs.

21. Within the context of considering appropriate activities to mark the final term of the Decade, paragraph 13 (a) of the programme of the Decade stated, *inter alia*, that the United Nations should encourage the publication of essays on subjects of international law written by legal advisers of States and international organizations, scholars and other legal practitioners. With a view to finding ways to implement this part of the programme, the Legal Counsel of the United Nations consulted legal advisers of States, legal advisers of intergovernmental organizations and practitioners in the field of international law on the feasibility of preparing such a publication. On the basis of their responses, preparations for the publication have proceeded. The collection will contain some 30 essays by legal advisers of States, legal advisers of intergovernmental organizations and practitioners in the field of international law. These essays will provide a perspective on international law as viewed from the practical standpoint of those who are involved in the actual practice of international law. The themes around which the collection will be organized are the role of the legal adviser in shaping political decisions; in implementing international decisions in national law; in the application and development of the law of international organizations; as well as the role of the legal adviser or practitioner in litigation before national courts involving questions of international law or before international courts and tribunals. The publication is scheduled for 1999, the final year of the Decade.

22. The Hague Academy of International Law has continued to organize its annual summer courses on international law. The 1997 general course was titled "The Legal Foundations of the International System: Organization — Law Making — Law Enforcement", while other courses included "Multilateral Rights and Obligations in International Law", "Enforcing International Law" and "Les organisations non gouvernementales et la mise en oeuvre du droit international". The 1998 general course will be on "Le droit international à la veille de XXIème siècle: normes, valeurs et faits"; additional courses will include "Multiplicity of International Tribunals and Universality of International Law", "Means of Ensuring Compliance and Enforcement of International Environmental Law" and "Vérification en matière de désarmement". The Academy's Study and Research Center has selected "The World Trade Organization" and "Legal Implications of Global Telecommunications" as its topics for 1997 and 1998, respectively. In addition, the Academy has organized a series of courses on human rights for practitioners in the field. As regards its external programme, one of the regional sessions will be held at Hanoi in October 1997; Montevideo is the venue chosen for the next session in 1998.

23. The International Institute of Space Law (IISL), in cooperation with the European Centre for Space Law (ECSL), organized a symposium entitled "Celebrating the Thirtieth Anniversary of the Outer Space Treaty", with another symposium planned for 1998. In July 1999, the third United Nations Conference on the Peaceful Uses of Outer Space (UNISPACE III) will review the status of the five international legal instruments governing outer space and a major symposium on the subject of international space law will be organized.

24. The International Institute of Humanitarian Law has scheduled seven courses to take place at Turin and San

Remo, Italy, during 1997, focusing on the training of military personnel in the areas of humanitarian law, human rights and refugee law. In addition, two international refugee law courses, devoted to the training of governmental officials and non-governmental organizations, scheduled for November and December, are to be given at San Remo and Cairo.

25. Within the framework of the Council of Europe, the Committee of Legal Advisers on Public International Law (CAHDI) is currently preparing a Recommendation on the amended model plan for the classification of documents concerning State practice in the field of public international law and a pilot project on the collection and dissemination of documentation on State practice relating to State succession and issues of recognition.

26. The Office of Legal Affairs of the United Nations published in 1996 *International Law as a Language for International Relations*, containing the Proceedings of the United Nations Congress on Public International Law, held in 1995. The Congress was organized within the framework of the Decade and assembled a group of 600 participants from 125 countries to assess the current development of public international law.

27. As a contribution to the United Nations Decade of International Law, in April 1997 the International Law Commission published a collection of essays by members of the Commission on topics which included: the role of international law; its relationship with cultural diversity; universalism and regionalism; the contribution of new States to the development of international law; unilateral acts; international organizations and the implementation of international law; environmental law; the right to development; disarmament; State responsibility; individual criminal responsibility; humanitarian intervention; the teaching, study, dissemination and wider appreciation of international law; and future topics for the codification of international law. The publication, which coincided with the fiftieth anniversary of the Commission, contains an introduction prepared by the Secretariat providing an assessment of the contributions made to international law by the Commission.

28. The Office for Outer Space Affairs has produced its annual publication *Status of International Agreements relating to Activities in Outer Space*, a booklet, *United Nations Treaties and Principles on Outer Space*,[2] and the book *Space Law: A Bibliography*.[3]

29. During 1996 and 1997 the following international law publications were prepared by the United Nations Educational, Scientific and Cultural Organization (UNESCO): *Human Rights: Major International Instruments*, which lists the instruments adopted by the United Nations, the specialized agencies and other international organizations; *UNESCO and Human Rights: Standard-setting Instruments, Major Meetings, Publications, Fiftieth Anniversary of UNESCO*; *The Struggle against Discrimination*: A Collection of International Instruments adopted by the United Nations System; and *Le droit à l'assistance humanitaire* (The Right to Humanitarian Assistance): Proceedings of the international colloquium organized by UNESCO.

30. The *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1992-1996* is currently being translated into all the official languages of the Organization. The publication of the English and French versions is under way; these versions are also available on the international law sub-site of the Organization's home page (http://www.un.org/law/icjsum/indexw.htm).

31. The International Tribunal for the Law of the Sea is considering the means by which it can disseminate its judgments and advisory opinions, and the preparation of thematic and analytical summaries of its judgments and opinions.

32. The Court of Justice of the European Communities has continued to publish systematically its case-law in the 11 official languages of the Communities.

33. In 1997, the International Chamber of Commerce will publish a new report on arbitral awards, as well as a report on procedural decisions rendered by arbitral tribunals.

34. Volume XXI of the *Reports of International Arbitral Awards* will be published by the Codification Division of the Office of Legal Affairs in 1997. It contains information on three arbitration cases, namely, the case concerning boundary disputes between India and Pakistan relating to the interpretation of the report of the Bengal Boundary Commission; the case concerning a dispute between Argentina and Chile concerning the Beagle Channel; and the case concerning the delimitation of maritime areas between Canada and France.

35. Efforts are being made to eliminate the backlog in the publication of the *United Nations Juridical Yearbook*. The 1991 edition was published in 1996, and the 1987, 1992 and 1993 editions are in the press. The 1988 and 1994 editions will be submitted by the end of 1997, and the 1989 and 1995 editions, in 1998. An index has been added to the 1993 and 1994 Editions. In order to facilitate research, a cumulative index of "Selected Legal Opinions of the Secretariat of the United Nations" (chapter VI of the *United Nations Juridical*

Yearbook) for the period 1962-1986 and 1990 has been issued provisionally in 1997. A cumulative index for the *Yearbook* from 1962 to 1986 is under preparation.

36. The General Assembly, by its resolution 51/159 of 16 December 1996, considered it desirable to draft a programme of action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law. The Assembly invited the Governments of the Russian Federation and the Netherlands to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in that respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations. The Assembly also decided to include in the provisional agenda of its fifty-second session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law". The Secretariat has been informed that consultations are taking place among interested States, with the cooperation of the other organizations mentioned above, and that a draft resolution on the matter will be submitted during the fifty-second session of the General Assembly.

V. The United Nations Treaty Collection on the Internet: proposal to set up a user-fee mechanism

37. In its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database", the General Assembly endorsed the various measures taken by the Treaty Section of the Office of Legal Affairs with a view to disseminating treaty-related information electronically and addressing the backlog in the registration and publication of treaties, including the establishment of a comprehensive database for treaty-related actions and the placing of the *Multilateral Treaties Deposited with the Secretary-General*[4] and the United Nations *Treaty Series* on the Internet. In paragraph 6 of the resolution, the Assembly:[5] [6]

> "*Endorses* the Secretary-General's exploring of the economic and practical feasibility of recovering the costs of providing such Internet access to the United Nations *Treaty Series* and the *Multilateral Treaties Deposited with the Secretary-General*, subject to Member States, organizations of the United Nations system, other international organizations and other non-commercial users not being charged a user fee, and presenting his findings to Member States".

38. This part of the present note seeks to evaluate the economic and practical feasibility of providing such Internet access to the United Nations Treaty Collection without being charged a user fee.

39. The main users of the United Nations Treaty Collection include Governments, permanent missions, the Secretariat and other United Nations agencies, international organizations, institutions such as universities, academic libraries, scholars and students, non-governmental organizations (NGOs) and private law firms. It could be expected that the group of users will broadly correspond with the users of the hard-copy version. However, two trends could be foreseen: first, owing to the greater accessibility, there will be an increase in the number of individual users (e.g., scholars and students); secondly, the service will be used to a greater extent in developed countries than in developing countries for some years to come, since, at present, 70 per cent of Internet users are located in the United States of America and Europe. Currently, the United Nations Treaty Collection on-line is accessed over 15,000 times every week.

40. *Multilateral Treaties Deposited with the Secretary-General* is produced internally (including its printing) and the actual total production costs are not easy to assess. Revenues from sales could be assessed in broad terms. Annually, 2,600 copies are printed (1,900 copies in English and 700 in French), from which 470 are directed for sale at a price of $40 per copy ($80 with a 50 per cent discount). The approximate revenue per print run was $18,800 in 1996.

41. The United Nations *Treaty Series* is typeset and printed by outside vendors. The typesetting and printing cost of 1,500 copies per volume was $12,083 in 1996; 390 copies per volume were directed for sale at a price of $30 per copy, and the remaining volumes were distributed free. The approximate revenue per print run per volume was $11,700 in 1996. The overall revenues of the volumes sold approximated $702,000 in 1996.

42. It is difficult to quantify accurately the specific costs involved in placing the *Multilateral Treaties* volume and the *Treaty Series* on-line. However, in addition to the costs involved in the hard-copy production of these publications,[7] costs were incurred on hardware, software and consultancy fees. For example, scanning and converting into optical disk format by an outside vendor of over 1,450 volumes of the *Treaty Series* published since 1946 cost $310,000 and placing the *Treaty Series* on the Internet, including setting

up a search mechanism, cost approximately $61,000 (for conversion software, storage and retrieval software and hardware, and conversion services).

43. The above analysis of costs and revenues demonstrates that the publication of the hard-copy versions of both the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series* generates higher costs compared to revenues. With the electronic version of both publications being made available on-line, the sale of the hard-copy version could decrease, which is likely to widen the margin between costs and revenues. Given the high costs involved in placing the *Multilateral Treaties* and the *Treaty Series* on-line and in maintaining and updating the service, the Treaty Section gave consideration to charging a user fee from certain users with a view to raising some revenue which would offset part of the costs.

44. The General Assembly has expressly approved the principle that, whenever it is desirable and possible, the sale of public informational material should be encouraged, not only because the proceeds go to the Working Capital Fund, but also because publications that are sold rather than distributed gratis usually command greater respect.[8]

45. The necessity to generate revenues not only from publications in general, but also from the on-line services was stressed by the Advisory Committee on Administrative and Budgetary Questions in its first report on the proposed programme budget for the biennium 1996-1997.[9] The Committee recommended that "the Department of Public Information should explore fully the possibility of generating revenues from the sale of on-line United Nations database information services".[10]

46. In 1995, the Working Committee of the Publications Board established a working group on electronic subscription services to consider a subscription service for the United Nations *Treaty Series* on-line. The working group's consensus was that, where possible, revenues should be generated from electronic products, but it was understood that users should be classified, with prices set accordingly, and some groups, such as permanent missions, being given free access. Also, charges would need to be set in relation to different economies, with the option of preferential rates for developing countries.[11]

47. Consistent with the same trend, the administrative instruction on the development and dissemination of electronically published products and services[12] emphasizes that "free distribution should normally not be undertaken unless offsetting savings can be identified in the cost of reproducing and distributing printed publications".

48. There are two possible options available at present for a fee-charging mechanism on the electronic medium. The first option enables a user to obtain information only on the payment of royalties or a basic subscription fee. The second option enables a fee to be charged each time the system is used (on-line fee). On-line fees may be time-based, usage-based or a combination of both. A time-based fee is calculated according to the total time spent using the system, whereas a usage-based fee is calculated according to the time spent downloading information. A practical advantage of the subscription fee mechanism, as opposed to the on-line fee mechanism, is that the technical and administrative support required to put in place a subscription fee mechanism is less cumbersome.

49. Two departments of the United Nations Secretariat have already selected charging mechanisms for on-line access to their services. The Statistics Division of the Department of Economic and Social Affairs has chosen a "subscription-based" service for on-line access to its publication *Monthly Bulletin of Statistics* and the Library and Publications Division will also employ a "subscription-based" access for external users to the United Nations optical disk system (ODS).

50. On-line access to the publications can be provided as a service independent from the hard-copy distribution or as a service linked to the hard-copy distribution; i.e., a subscription to the printed version would also give access to the on-line version.

51. In the second case, savings could result at the typesetting and printing stages, arising from the possible decrease in the dissemination of the hard-copy version. Resources used for the production and distribution of volumes in hard copy could be substantially reduced and reallocated for providing and further developing the on-line service of the United Nations Treaty Collection.

52. The United Nations Finance Manual requires that sales activities should be undertaken at no additional cost to the Organization.[13] In the present case, such additional costs would involve technical, administrative and marketing costs associated with the establishment and monitoring of the fee mechanism.

53. Pricing responsibility for publications rests with the Sales and Marketing Section (guidelines established by the Publications Board in ST/AI/189/Add.15/Rev.1 of 30 June 1992). Owing to the special nature of the United Nations *Treaty Series*, its pricing structure is also subject to an annual review by the Publications Board.[14] Although pricing guidelines were not developed taking into account on-line services, they are applicable to these services. The sale

prices to be assigned to various users will have to take into account the need to recoup the cost of production, the price of similar industry publications and the price vagaries of the target market, both segmental (e.g., academic, professional) or regional. Special consideration should be given to the needs of developing countries.

54. In the general practice of the United Nations, hard-copy publications (other than the United Nations Treaty Collection) have been provided without charge to a small group of users. Free hard-copy publications have usually been provided to staff members of the United Nations and to the permanent missions of the Member States and accredited observer States. Under certain circumstances, free copies have also been provided to entities which had participated in the production of a publication. In the context of on-line access, the Statistics Division provides free access to its publication *Monthly Bulletin of Statistics* to the United Nations Secretariat, the permanent missions of the Member States and all national and international statistical services which provide inputs to the *Monthly Bulletin*. The Information Technology Services Division will grant free access to its service on the optical disk system (ODS) to all staff members of the United Nations Secretariat at all duty stations, the permanent missions of Member States and accredited observer States. Accordingly, it would appear that the general practice of the Secretariat is to provide free access only to a very limited number of users.

55. Against the background of the existing legal framework and in line with the general practice of the Secretariat, two cost-related criteria should be taken into account in determining the scope of the categories of users to be exempted from charges. First, in order to keep pace with the vast technological developments and improvements in general, and of the Internet in particular, hardware and software will need to be replaced regularly. Such acquisitions are cost-intensive. It would be necessary to channel user fees to a trust fund so that they could actually be reinvested in maintaining and improving the service. Secondly, the current financial situation of the United Nations makes it increasingly difficult to continue to obtain additional funding from the regular budget to maintain and improve the on-line services. Accordingly, it would be vital to generate additional financial resources from other sources, and charging a user fee from a wide range of users would be an obvious option. For such an approach to be a success, the number of users provided with free access should be kept to a minimum.

56. In the light of the above considerations, the following conclusions are drawn: (a) The on-line versions of *Multilateral Treaties Deposited with the Secretary-General* and of the United Nations *Treaty Series* involve high costs and additional costs will result from the need to maintain, update and improve the service. (b) The revenues generated from hard-copy sales are inadequate to cover these costs. These revenues will decrease with the on-line availability of the publications. (c) Accordingly, it will be appropriate to charge a fee from users of the on-line version to generate revenues to fund at least the maintenance and improvement of the service, in particular given the current financial situation of the United Nations. (d) The present legal and administrative practice of the Secretariat in relation to publications suggests that the number of potential subscribers with free access to the United Nations Treaty Collection on-line should be kept to a minimum. Furthermore, if the fee-charging mechanism is to be economically feasible, fees should be levied from the widest group of users.

VI. Translation of the list of titles of treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General* into the other official languages of the United Nations and their dissemination through the Internet

57. This part of the present note has been prepared in response to paragraph 7 of General Assembly resolution 51/158, and seeks to assess the possibility of translating the list of titles of treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General* into the other official languages of the United Nations and disseminating the list via the Internet.

58. Since 1963, the Secretary-General has published annually, in English and French, the publication *Multilateral Treaties Deposited with the Secretary-General*, status as of 31 December of the previous year. Since November 1995, the regularly updated electronic version of this publication has been made available on the Internet in English. As the regularly updated French version of the publication is available in electronic format for internal purposes, it is planned to make this version also available on the Internet in the near future. Its placement on the Internet, however, would require the allocation of additional financial and technological resources, particularly for developing the thousands of electronic links within the document.

59. All treaties are available in English and French (the titles are available in the table of contents of the *Multilateral Treaties* but the situation relating to the use of the other official languages of the United Nations is not uniform. Therefore, the provision of these titles in languages other than English and French would pose a considerable challenge, for the reasons discussed below.

60. In accordance with General Assembly resolution 24 (I) of 12 February 1946, the Secretary-General performs the depositary functions of the multilateral treaties concluded under the auspices of the League of Nations. Generally, these treaties were concluded in English and French. Accordingly, these titles could be made available only in those languages at present and will need to be translated into the other official languages.

61. Most of the multilateral treaties adopted by the General Assembly of the United Nations or at United Nations Conferences before 1974 are available in Chinese, English, French, Spanish and Russian. Arabic became an official language only in 1974. Accordingly, most of the titles of those treaties adopted or approved before 1974 will need to be translated into Arabic.

62. It is also noted that, upon request and given the importance of some treaties adopted prior to 1974, the Secretariat has established Arabic translations of a limited number of those treaties: for example, the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948; the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both adopted by the General Assembly of the United Nations on 16 December 1966.

63. In the case of agreements adopted by United Nations regional commissions, the authentic texts are generally in the official languages of the commission concerned. For example, the Secretary-General acts as depositary of a number of agreements concluded under the auspices of the Economic Commission for Europe (ECE): those treaties are usually authentic in English, French and Russian.

64. The choice of authentic languages of agreements adopted by conferences depends upon the intention of the negotiating parties. For example, the text of the Olive Oil Agreement, 1986, is authentic in Arabic, English, French, Spanish and Italian, and the 1992 Agreement on the Conservation of Small Cetaceans in the Baltic and North Seas is authentic in English, French, Russian and German. Those titles will also need to be translated into the relevant official languages.

65. The above survey indicates that the Secretary-General is currently in a position to make available in all six languages only the official titles of those treaties which were adopted by the General Assembly or at United Nations Conferences after 1974, i.e., after Arabic became an official language of the United Nations, as well as a limited number of titles of treaties adopted by the General Assembly prior to that date.

66. Even where the titles are available in the official languages (other than in English), their placement on the Internet will require additional resources (both technical and personnel).

67. The titles of the following categories of multilateral agreements will need to be translated if it is decided to provide on the Internet titles in the *Multilateral Treaties* volume in all the official languages:

(a) *Multilateral agreements concluded under the auspices of the League of Nations*: About 33 titles will need to be translated into Arabic, Chinese, Russian and Spanish, as appropriate;

(b) *Multilateral agreements concluded under the auspices of the United Nations*: About 160 titles will need to be translated into Arabic, Chinese, Russian and Spanish, as appropriate;

(c) *Multilateral agreements not concluded under the auspices of the United Nations*: About six titles will have to be translated into Arabic, Chinese, Russian and Spanish, as appropriate.

68. About 35 titles of agreements concluded under the auspices of ECE would need to be translated (see para. 63). They are, in general, not open to participation by Arabic- or Chinese-speaking countries given that their territorial application is often limited to European countries. Accordingly, the translation of those titles into the other official languages would be of limited benefit to the international/legal community, in particular, in Arabic- or Chinese-speaking countries. The costs and resources required for their translation and placement on-site should be weighed against the possible advantages of having them translated into all six official languages.

69. The above survey suggests that about 234 titles would need to be translated. The translation of the titles into the official languages, including the preparatory work by the Reference Unit, could take considerable time. This could affect the regular work of those services, including the translation of treaties, unless additional resources are made available.

70. The placement of the lists of titles in all languages, although feasible, requires certain technical issues to be addressed, in particular, in relation to the non-Roman languages, i.e. Arabic, Chinese and Russian. Arabic, Chinese and Russian titles will have to be stored using image format and the transmission of these items through the Internet would require special technological inputs. It is estimated that a Professional technical officer would require about six weeks (full-time) to accomplish this task.

71. In the case of those languages, additional resources would also be required for the maintenance and regular updating for Internet purposes of the lists of titles of new agreements which would be deposited with the Secretary-General in the future.

72. It should be noted that the placement of the lists of titles in all six languages will not allow a user to locate the status of a treaty that is being researched in all six languages. The status of each treaty is available on the Internet, at present, only in English.

73. Nevertheless, should it be decided to establish electronic links from each title of a treaty translated into Arabic, Chinese, Russian and Spanish, to the corresponding English (or the French version, when it is available) status of the treaty, this is technically feasible. However, it would require substantial additional financial and technical resources. Electronic links will need to be established between the title of a treaty and its actual status and it is estimated that a Professional technical officer would require several months to create these links.

74. Accordingly, it would seem possible to translate the list of titles of treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General* into the official languages of the United Nations and disseminating such lists via the Internet subject to: the ability of the translation and reference services to handle this task effectively at a time when demands on their resources are heavy; and technical and financial resources being made available to place these titles (and those already available in the six languages) on the Internet.

75. As mentioned above, about 234 titles would have to be translated into one or more of the official languages of the United Nations. It should be noted, however, that even though the titles could be disseminated via the Internet in all six languages, a user relying on these titles would be able to locate the texts of the corresponding multilateral treaties in their authentic languages only (all six languages for those multilateral treaties adopted after 1974 in the official languages of the United Nations). The status will continue to be available in English only (and in French, once the French version is placed on the Internet) independently of the languages in which the titles are provided.

Notes

[1] Council of Europe, Food and Agriculture Organization of the United Nations, International Civil Aviation Organization, International Labour Organization, International Maritime Organization, International Telecommunication Union, United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization and World Meteorological Organization.

[2] A/AC.105/572/Rev.1.

[3] A/AC.105/636.

[4] *Multilateral Treaties Deposited with the Secretary-General* provides information on the status of 486 major multilateral instruments deposited with the Secretary-General covering a range of subject matters. As the status of these instruments evolves constantly, resulting in an outdated printed version, there is great value in providing access to an electronic version.

[5] The United Nations *Treaty Series* is a collection of over 1,500 printed volumes containing treaties and international agreements and related actions registered or filed and recorded with the Secretariat since 1946 and published by it pursuant to Article 102 of the Charter of the United Nations and the General Assembly regulations giving effect to it. The *Treaty Series* includes the full texts of treaties in their authentic language(s), along with translations into English and French, as appropriate. It is proposed to continue publishing the *Treaty Series* in hard copy so that it will be available to users with no access to the Internet. Since June 1997, about 30,000 treaties and subsequent actions published in over 1,450 *Treaty Series* volumes have been made available on-line. Access is being provided to the collection in image format, through a user-friendly search mechanism allowing users multiple search options.

[6] These two documents together are referred to in the present report as the "United Nations Treaty Collection".

[7] The actual cost of producing these publications has never been accurately quantified. These costs would include staff costs, equipment costs, payments to outside service providers, marketing and distribution costs, etc. Rough calculations indicate that, from a commercial standpoint, producing these publications in hard copy results in a considerable loss to the Organization. The Treaty Section's budget for 1996-1997 was $6,129,000. (The proposed allocation for 1998-1999 is $7,724,500, the increase reflecting transfer of posts to the Treaty Section and a one-time allocation of funds for printing as a means of elimination of the backlog.) These funds are primarily used for staff costs related to performing the depositary functions of the Secretary-General and the registration and publication functions pursuant to Article 102 of the Charter of the United Nations. Costs relating to computer hardware and software and consultancy fees are also included in these sums.

However, expenses incurred by other departments involved in the production process (Information Technology Services Division, Department of Public Information and Office of Programme Planning, Budget and Accounts) are not covered.

[8] See ST/AI/189/Add.15/Rev.1, 30 June 1992: Regulations for the Control and Limitation of Documentation Addendum: Pricing of United Nations Publications.

[9] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 and corrigendum* (A/50/7 and Corr.1).

[10] Ibid., Part VII.17.

[11] Report of the Publications Board to the Secretary-General on its work in 1995 (not published).

[12] ST/AI/189/Add.28, para. 20.

[13] Section 11.06, 061.

[14] Rule 3 of ST/AI/189/Add.15/Rev.1.

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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

1. On 13 December 1996, the General Assembly adopted, without a vote, resolution 51/143 on the question of Western Sahara. The present report, which covers the period from 28 September 1996 to 11 September 1997, is submitted in pursuance of paragraph 9 of that resolution.

2. The Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

3. On 5 November 1996, the Secretary-General submitted a report[1] to the Security Council in which he informed the Council that his proposal to maintain a political office to continue the dialogue with the parties and the neighbouring countries, in the context of the settlement plan for Western Sahara,[2] had been implemented. The political office was being led by the Acting Special Representative, who had, in accordance with Security Council resolution 1056 (1996) of 29 May 1996, worked intensively to facilitate any effort to help set the parties on a course towards an agreed formula for the resolution of their differences. In addition to supporting the Acting Special Representative, the political office would assure permanent liaison with the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) in Tindouf, assist in maintaining other contacts and provide general assistance to fact-finding missions to the Territory and the Tindouf area. It would also monitor local, regional and international media and would work with the Independent Jurist in the discharge of his mandate.

4. During the period covered by the report,[1] the Acting Special Representative had travelled regularly between Rabat and the Tindouf area, striving to develop momentum in the exchange of views and proposals between the two sides. In October 1996, he had also visited Algeria and Mauritania where he had discussions with the Governments concerned, on ways to overcome obstacles to the implementation of the settlement plan, especially those aspects highlighted by the Security Council, and on other measures that could contribute to building confidence.

5. The Secretary-General recalled that, in its resolution 1056 (1996), the Security Council had reiterated that, for progress to be achieved, the two parties must have a vision of the post-referendum period. He noted that it was encouraging that on 10 October 1996, the Special Political and Decolonization (Fourth) Committee of the General Assembly had been informed that contacts had taken place between the two parties and would continue to take place and that those contacts would certainly not lose sight of the

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settlement plan, which governed the holding of the referendum.

6. The Security Council was informed that the positions of the Government of Morocco and the Frente POLISARIO regarding resumption of the identification remained irreconcilable. It was also informed that a high-level presence of the Organization of African Unity remained in the mission area to ensure continued cooperation with the United Nations Mission for the Referendum in Western Sahara (MINURSO).

7. The Secretary-General informed the Security Council that, following an initiative on the part of the Governments of Germany and the United States of America, 66 Frente POLISARIO prisoners of war in Moroccan custody had been released on 31 October 1996 with the assistance of the International Committee of the Red Cross (ICRC). The Secretary-General also recalled that in that connection, in November 1995 a total of 185 Moroccan prisoners of war had been released by the Frente POLISARIO with the assistance of ICRC and the Governments of Argentina and the United States. He expressed his appreciation for the efforts of those Member States that had assisted in the two releases.

8. During the reporting period, the Independent Jurist had continued his efforts for the release of political prisoners. After his meetings in early July with the Moroccan authorities in Rabat and representatives of the Frente POLISARIO in Las Palmas, Canary Islands, he had returned to the mission area during the last week of August. On 27 August, he had visited some of the refugee camps in the Tindouf area and had met with officials of the Frente POLISARIO and with a number of sheikhs who had provided him with useful information.

9. The Frente POLISARIO also organized a meeting between the Independent Jurist and representatives of the Association of Families of Prisoners and Disappeared Saharans (AFAPREDESA). At the meeting, representatives of the Association gave the Independent Jurist a list of persons said to have "disappeared". The Independent Jurist compared the list with data in his possession and was in the process of finalizing a list with the cooperation of AFAPREDESA, which had been asked to clarify some of its information. The Frente POLISARIO was expected to endorse the list prior to its being officially communicated, through the Acting Special Representative, to the Moroccan authorities, with whom the Independent Jurist would pursue his efforts.

10. The Office of the United Nations High Commissioner for Refugees (UNHCR) had continued to monitor developments in the region and had undertaken to review and update on a continuous basis the repatriation plan drawn up in 1991. Updates in logistical estimates had set the cost of the UNHCR repatriation project at almost $50 million. When conditions would permit, UNHCR planned to carry out a pre-registration of potential returnees, which was an essential part of the preparatory work for the repatriation operation under the settlement plan. In the meantime, the survey of water resources had been completed, but a planned drilling programme around potential repatriation sites had been put on hold.

11. UNHCR had conducted a series of missions to the Territory, Morocco and Algeria, including the refugee camps in the Tindouf area. It had held discussions with the relevant parties, all of whom had pledged their full cooperation and support. In consultations with the Acting Special Representative, it had also undertaken a number of initiatives to complement the efforts of MINURSO. In addition, it was continuing its assistance programme for the most vulnerable refugees in the camps.

12. The Security Council was further informed that, pursuant to resolution 1056 (1996), the military component, headed by Major-General José Eduardo Garcia Leandro (Portugal), had been reduced by 20 per cent, from a strength of 288 military observers in May to 230 by 1 November. The reduction had been achieved through normal rotations, with the largest reduction taking place in September when the strength was cut from 259 to 232. In spite of this reduction, it had been possible to keep the number of ground patrols at the previous level and to maintain overall operational activities through an increase in helicopter reconnaissance flights.

13. While the cease-fire continued to hold, MINURSO had noted some technical violations of it, as well as an intensification of military activity on both sides, apparently aimed at ensuring combat readiness as the end of MINURSO's mandate period approached. During August, Frente POLISARIO forces conducted live-fire exercises. The Royal Moroccan Army had also conducted air missions and rehearsed air drills from Smara airport. However, during the reporting period, both Morocco and the Frente POLISARIO had provided logistic support for MINURSO at the team sites.

14. MINURSO had made a special effort to avoid a rise in tension similar to that which had occurred towards the end of the previous mandate period, in May 1996. In that regard, both sides agreed to the Force Commander's proposal to suspend live-fire exercises with collective and heavy weapons during the months of October and November 1996.

15. The civilian police component, headed by Lieutenant-Colonel Jan Kleven (Norway), had been reduced from a high of 91 in January 1996 to 44 by the end of May, and was then cut further pursuant to the suspension of the identification process. It had been necessary to retain nine civilian police officers in order to ensure the security of equipment and computerized information in Laayoune and Tindouf.

16. In view of the indications that the parties were moving forward to find a resolution to the outstanding questions concerning the implementation of the settlement plan, and in order to allow time for further progress, the Secretary-General recommended that the mandate of MINURSO be extended for a further period of six months, until 31 May 1997. At the same time, he made it clear that the international community could not be expected to support the extension of the Mission's mandate indefinitely unless there was tangible progress towards the settlement of the question of Western Sahara.

17. In its resolution 1084 (1996) of 27 November 1996, the Security Council reiterated its commitment to the holding of a referendum in accordance with the settlement plan and expressed its support for the activities of the Acting Special Representative in continuing the dialogue. The Council requested the Secretary-General to submit an interim report by 28 February 1997 on his efforts to break the impasse blocking the implementation of the plan. It noted the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the plan, and it welcomed the steps taken by the parties to demonstrate goodwill and encouraged them to pursue their efforts so as to build confidence between themselves. The Council also requested the Secretary-General to propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to its implementation, and to keep the staffing size and configuration of the various components of MINURSO under active review in order to ensure maximum efficiency and effectiveness. MINURSO's mandate was extended until 31 May 1997 and the Secretary-General was requested to submit a report by 9 May on the implementation of the resolution.

18. On 25 November 1996, the Permanent Representative of Morocco to the United Nations submitted a letter[3] to the President of the Security Council calling the attention of the members of the Council to discrepancies in connection with the settlement plan in the draft resolution which was being prepared. In Morocco's view, the draft concealed the true reasons for the impasse in the identification process and introduced elements which Morocco found incompatible with the settlement plan.

19. In his interim report of 27 February 1997,[4] the Secretary-General informed the Security Council that during the reporting period the Acting Special Representative had sought to maintain contact with the parties, visiting both Rabat and Tindouf on several occasions in December 1996 and January 1997. Both the Government of Morocco and the Frente POLISARIO had again reiterated their commitment to the settlement plan and their wish to see it implemented. However, there had been no change in their respective attitudes with respect to resuming the identification process.

20. The Secretary-General further informed the Security Council that, with respect to measures to build confidence, the Government of Morocco had again confirmed the position expressed publicly by King Hassan II in November 1996. The Frente POLISARIO had also reiterated its wish to pursue contacts but was unwilling to do so on the conditions that Morocco considered necessary.

21. Following up on the request of the Independent Jurist, on 14 January 1997, the Frente POLISARIO had provided a revised and annotated list of persons allegedly detained for political reasons in Morocco. On 16 January, the Acting Special Representative had transmitted the list officially to the Moroccan Ministry of the Interior.

22. The Security Council was further informed that since July 1996 the UNHCR field office in Tindouf had become operational, while staff from Algiers and from Headquarters had continued to conduct missions in the Tindouf area. An international staff member had been appointed for Tindouf effective 15 February 1997.

23. On 30 November 1996, Major-General Jorge Barroso de Moura (Portugal) replaced Major-General José Eduardo Garcia Leandro (Portugal) as Force Commander. The strength of the military component, after the reduction by 20 per cent, stood at 230 personnel. During the reporting period, the military component of MINURSO had continued to monitor and verify the ceasefire. Despite the reduced strength, it had proved possible to increase slightly the number of ground and air patrols. During the reporting period, Lieutenant-Colonel Jan Kleven (Norway), who became Acting Police Commissioner upon the departure of Brigadier General Walter Fallmann (Austria), continued to head the civilian police component of MINURSO.

24. Recalling that progress would only be possible if both sides committed themselves fully, in deed as well as in word, to implementing the settlement plan, the Secretary-General stressed in his report[4] that unless that happened, the

continued presence of MINURSO would be increasingly questioned. The retention of the military component at its current level was costly, since the bulk of MINURSO's expenditure related to maintaining, supporting and enabling the military observers to function in their team-sites. The Secretary-General further noted that, in the absence of progress towards a political solution as foreseen in the settlement plan, the presence of military observers alone would not by itself prevent hostilities although their withdrawal could put in jeopardy the cease-fire and seriously threaten regional stability. In the circumstances, the Secretary-General believed it essential to make every effort to move the political process forward and to identify ways, including the possibility of a new initiative, to overcome the current stalemate in implementing the settlement plan.

25. He informed the Security Council that he had been reviewing the following questions and that he intended to intensify their examination during the coming weeks so that he could present his conclusions before the expiry of MINURSO's mandate on 31 May 1997: (a) Could the settlement plan be implemented in its current form? (b) if not, were there adjustments to the settlement plan, acceptable to both parties, which would make it implementable? (c) if not, were there other ways by which the international community could help the parties resolve their conflict? In the meantime, he was considering further reductions in the staffing of MINURSO and intended to keep the situation under active review and to advise the Council accordingly.

26. In a letter dated 10 March 1997[5] transmitted to the President of the Security Council by the Permanent Representative of Morocco to the United Nations, Morocco found it regrettable that the 27 February 1997 report[4] had limited itself to stating that the identification process had stalled without mentioning the main reason for that situation. Morocco reiterated its position, which coincided fully with that of the United Nations, to defend the right of any person who could prove that he or she belonged to Western Sahara, to take part in the referendum. Morocco called upon the Security Council to take the necessary action to ensure the resumption and completion of the referendum process.

27. In his report of 5 May 1997[6] to the Security Council, the Secretary-General stated that in an effort to encourage the parties to overcome the persisting stalemate, he had on 10 March appointed Mr. James A. Baker III, former Secretary of State of the United States of America, as his Personal Envoy for Western Sahara. He had requested Mr. Baker to assess the implementability of the settlement plan, to examine ways of improving the chances of resuming its implementation in the near future and, if there were none, to advise him on other possible ways of moving the peace process forward.

28. The Permanent Representative of Morocco to the United Nations had sent a letter[7] on 19 March 1997 to the President of the Security Council transmitting a letter from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco addressed to the Secretary-General, welcoming the appointment of Mr. James A. Baker III as the Secretary-General's Personal Envoy for Western Sahara and assuring him of Morocco's full cooperation.

29. Following consultations with the Secretary-General and preliminary discussions with the representatives of the two parties and the neighbouring countries, Algeria and Mauritania, in New York on 2 April, the Personal Envoy undertook an exploratory mission to the region from 23 to 28 April. In Rabat, Mr. Baker had been received by his Majesty King Hassan II and met with the Prime Minister, the Minister of the Interior and other senior officials of the Moroccan Government. In Tindouf, he met with Mr. Mohamed Abdelaziz, Secretary-General of the Frente POLISARIO, the Frente POLISARIO Coordinator with MINURSO, and other senior officials of the Frente POLISARIO. In Algiers and Nouakchott he was received by Presidents Liamine Zeroual and Maaouya Ould Sid' Ahmed Taya, respectively, and met with the Prime Ministers, the Ministers for Foreign Affairs and other senior government officials.

30. During the Personal Envoy's consultations in the Tindouf area, the Frente POLISARIO presented him with a list of 85 prisoners of war whom it proposed to release. The list has been communicated to the Government of Morocco and ICRC.

31. During his exploratory consultations with the parties and the two neighbouring countries, the Personal Envoy had stressed that he had come to make a fresh assessment of the situation and to discuss with all concerned ways of breaking the current stalemate. Mr. Baker expressed his intention to return to the region in June, after which he would report to the Secretary-General on his findings and recommendations.

32. Stressing that six years had elapsed since the establishment of MINURSO with the aim of holding a referendum of self-determination in Western Sahara and reiterating that the international community had made it clear that it could not continue to support the extension of MINURSO's mandate indefinitely unless the parties demonstrated in a clear and tangible manner the political will necessary to take decisions that would bring about a fair and lasting solution to the problem of Western Sahara, the Secretary-General urged them to cooperate fully with his

Personal Envoy. Noting that he would be in a position thereafter to submit a comprehensive report on all aspects of the Western Sahara issue, the Secretary-General recommended a four-month extension of MINURSO's mandate until 30 September 1997.

33. In its resolution 1108 (1997) of 22 May 1997, the Security Council reiterated its commitment to the holding of a referendum in accordance with the settlement plan. It urged the parties to continue cooperating with the Personal Envoy of the Secretary-General in his mission as outlined by the Secretary-General, requested the Secretary-General to keep the Council informed of progress in the situation and to submit, by 15 September 1997, a comprehensive report on the results of his evaluation of all aspects of the Western Sahara issue. It decided to extend the mandate of MINURSO until 30 September 1997.

34. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Western Sahara on 6 June 1997. During its consideration of the question, the Special Committee had before it a working paper containing information on developments concerning the Territory.[8]

35. Following Mr. Baker's mission to the region, the Secretary-General asked the Government of Morocco and the Frente POLISARIO as well as the two neighbouring countries, Algeria and Mauritania, to send their representatives to meet with my Personal Envoy separately, in London, on 10 and 11 June. During those meetings, Mr. Baker informed the Government of Morocco and the Frente POLISARIO that he had concluded that the only way to assess the implementability of the settlement plan would be by arranging direct talks between them, under United Nations auspices, to address the obstacles in the implementation of the plan. He explained to them that the talks, which would start on 23 June in Lisbon, would be private, would not constitute an international conference and would continue for as long as he felt that there was progress. The Governments of Algeria and Mauritania were also invited as observers and to attend the discussions of the parties on issues directly affecting them.

36. The parties were further informed that, during the talks, the Personal Envoy would make suggestions and offer ideas to facilitate their work, including bridging proposals to their differences in order to try and eliminate deadlocks. However, he would have no power to impose solutions on them, or to veto agreements reached by them. It was agreed with the parties that complete confidentiality would be maintained and that no issue would be considered as finally agreed until all outstanding issues had been agreed.

37. While in London, the Personal Envoy asked each party to make a concession to demonstrate its goodwill. The Government of Morocco agreed to defer the identification of about 60,000 applicants whose eligibility had been contested by the Frente POLISARIO. In return, the Frente POLISARIO agreed to return to the identification process. In addition, both parties agreed to allow UNHCR to start its preparatory work in the refugee camps as well as in the Territory.

38. The first official direct contact between Morocco and the Frente POLISARIO under United Nations auspices was held at Lisbon on 23 June. The discussion started with the subject of identification, which was the primary issue which had deadlocked the implementation of the settlement plan, but with the understanding that nothing would be considered as finally agreed until all outstanding issues had been agreed. The delegations of Algeria and Mauritania were kept fully briefed on developments. Since both sides indicated that they needed to consult with their principals before responding to the Personal Envoy's proposal, the Lisbon meeting was adjourned on the second day. However, both parties gave their responses to the Personal Envoy within the following 48 hours.

39. On 19 and 20 July, the second round of direct talks was held in London. Algeria and Mauritania attended as previously. During the London talks, agreement was reached that on the identification of prospective voters, no party would present candidates from certain contested tribal groupings. The parties also reached agreement that the Secretary General's Acting Special Representative would inform the parties of the results by number of the identification process to date and the parties agreed on the circumstances in which oral testimony would be used.

40. On the question of refugees, the parties agreed that UNHCR should begin taking the steps preparatory to the process of repatriation of the refugees in accordance with the settlement plan. In addition, they agreed to cooperate with UNHCR in implementation of the repatriation programme in accordance with UNHCR's normal practice and established principles of repatriation. The parties agreed to hold another round of talks at Lisbon on 29 and 30 August to continue their discussions on troop confinement and to discuss prisoners of war and political detainees.

41. During that round, the parties agreed that the Moroccan armed forces would be reduced and confined strictly in accordance with the provisions of the settlement plan. The parties, as well as Algeria and Mauritania, agreed

that Frente POLISARIO forces would be confined in locations and numbers designated by the Special Representative of the Secretary-General; however, no more than 2,000 individuals might be confined on the Territory of Western Sahara east of the berm and no more than 300 in Mauritania. Frente POLISARIO forces over and above the number designated by the Special Representative for confinement in Western Sahara and Mauritania would be confined in Algeria. The locations for confinement in Algeria and Mauritania would be identified in coordination with Algerian and Mauritanian authorities. It was further agreed that the compromise agreement on the confinement of Moroccan and Frente POLISARIO troops would in no way change, alter or otherwise affect the internationally recognized boundaries of Western Sahara.

42. On the question of prisoners of war, the two parties agreed that all remaining prisoners of war would be released in strict conformity with the provisions of the settlement plan and that the parties would cooperate with ICRC until completion of the work under the plan. With respect to the political prisoners and detainees, the two parties agreed that any and all Saharan political detainees would be released, pursuant to the amnesty envisaged in the settlement plan, before the beginning of the referendum campaign and that they would fully cooperate with the Independent Jurist in carrying out his duties.

43. While in Lisbon, the Secretary-General's Personal Envoy also opened talks between the parties on the code governing their conduct during the referendum campaign. Following a general discussion on the question, the Personal Envoy decided to adjourn the talks as the Moroccan delegation was not sufficiently prepared to provide detailed comments on the code. An agreement was reached to hold the next round at Houston, Texas, on 14 September, with a view to reaching an agreement on the code and related issues.

44. On 12 September 1997, in his letter to the President of the Security Council,[9] the Secretary-General proposed that, in view of the forthcoming Houston round and in order to take the necessary account of the results of the meeting and undertake a proper evaluation of the situation, he submit during the second half of September the report which had been requested by the Council in its resolution 1108 (1997) of 22 May 1997.

Notes

[1] S/1996/913.

[2] S/21360 and S/22464 and Corr.1.

[3] S/1996/973.

[4] S/1997/166.

[5] S/1997/208.

[6] S/1997/358.

[7] S/1997/234.

[8] A/AC.109/2087.

[9] S/1997/721.

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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Report of the Secretary-General

1. Under the terms of Article 73 e of the Charter of the United Nations, "Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government" undertake to transmit regularly to the Secretary-General information "relating to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply". In addition, the General Assembly, in several resolutions, the most recent of which was resolution 51/139 of 13 December 1996, requested the administering Powers concerned "to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned".

2. The table annexed to the present report shows the dates on which information called for under Article 73 e of the Charter was transmitted to the Secretary-General in respect of the years from 1994 to 1997.

3. The information transmitted under Article 73 e of the Charter follows in general the standard form approved by the General Assembly and includes information on geography, history, population and economic, social and educational conditions. In the case of Territories under the administration of New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the annual reports on the Territories also include information on constitutional matters. Additional information on political and constitutional developments on Tokelau is given by the representative of New Zealand during meetings of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Supplementary information is also made

available by New Zealand, the United Kingdom and the United States concerning Territories under their administration.

4. In compliance with the provisions of paragraph 5 of General Assembly resolution 1970 (XVIII) of 16 December 1963 and other relevant resolutions of the Assembly, including in particular resolution 51/139, the Secretariat has continued to use the information transmitted in the preparation for the Special Committee of working papers on each Territory. The Special Committee has taken this information into account in formulating its decisions on these Territories, which are set forth in the relevant chapters of the Committee's report to the General Assembly at its current session (see A/52/23 (Parts V-VII)). The report also contains an account of the action taken by the Special Committee in implementation of resolution 1970 (XVIII) (A/52/23 (Part IV), chap. VIII).

Annex

DATES OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS AND PERIOD COVERED[a]

	Information received in 1996		Information received in 1997	
	Date of transmission	Period covered	Date of transmission	Period covered
FRANCE				
New Caledonia[b]	-	-	-	-
NEW ZEALAND (1 July-30 June)[c]				
Tokelau	22 May 1996 29 May 1996	1995/96	28 May 1997	1996/97
PORTUGAL				
East Timor[d]	-	-	-	-
SPAIN				
Western Sahara[e]	-	-	-	-
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND				
Anguilla	10 September 1996	1994/96	13 March 1997	1995/96
Bermuda	17 July 1996 18 October 1996	1994/96	13 January 1997	1995/96
British Virgin Islands	11 June 1996	1994/95	13 January 1997 6 and 8 May 1997	1995/96
Cayman Islands	24 October 1996	1994/95	5 May 1997	1995/96
Falkland Islands (Malvinas)	1 May 1996 21 November 1996	1994/96	24 March 1997	1995/96
Gibraltar	20 May 1996	1994/95	18 March 1997	1995/96
Montserrat	-	-	6 May 1997	1996
Pitcairn	11 June 1996	1994/95	14 March 1997	1995/96
Saint Helena	24 September 1996	1994/95		
Turks and Caicos Islands	-	-	7 March 1997	1995/96
UNITED STATES OF AMERICA (1 October-30 September)[f]				
American Samoa	18 June 1996	1994/95	1 April 1997	1995/96
Guam	18 June 1996	1994/95	1 April 1997	1995/96
United States Virgin Islands	18 June 1996	1994/95	1 April 1997	1995/96

(Footnotes to table on following page)

(Footnotes to table)

[a] For a preliminary list of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) applies, see Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), annex I.

[b] According to its resolution 41/41 A of 2 December 1986, the General Assembly "considers that, in the light of the provisions of Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia is a Non-Self-Governing Territory within the meaning of the Charter".

[c] Period extends from 1 July of the year listed to 30 June of the following year.

[d] In a note verbale dated 6 April 1979 (A/34/311), the Permanent Representative of Portugal to the United Nations informed the Secretary-General that the conditions still prevailing in East Timor prevented his Government from assuming its responsibilities for the administration of that Territory. He subsequently informed the Secretary-General (A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219 and A/44/262) that the Portuguese Government had nothing to add to the information already provided in that note. The Secretary-General was further informed by the Permanent Representative (A/45/172, A/46/131, A/47/189, A/48/130, A/49/184, A/50/214 and Corr.1, A/51/187 and A/52/152) that since the Portuguese Government continued to be prevented "de facto" from exercising its responsibilities for the administration of East Timor due to the latter's illegal occupation by a third country, it remained unable to provide any information concerning the Territory.

[e] On 26 February 1976, the Permanent Representative of Spain to the United Nations informed the Secretary-General that "the Spanish Government, as of today, definitely terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: ... (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connection with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory ..." (A/31/56-S/11997). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976.

[f] Period extends from 1 October of the previous year to 30 September of the year listed.

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Fifty-second session
Item 61 of the provisional agenda*
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 16 September 1997 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 16 September 1997, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under item 61 of the provisional agenda, and of the Security Council.

(Signed) Hüseyin E. Çelem
Ambassador
Permanent Representative

* A/52/150 and Corr.1.

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ANNEX

Letter dated 16 September 1997 from Mr. Aytuğ Plümer addressed to the Secretary-General

Further to my letter of 25 August 1997 addressed to you, concerning the deliberate destruction by Greek Cypriots of historical and religious monuments in Cyprus (A/51/966-S/1997/666), I have the honour to provide herewith a list of the 103 mosques and Muslim shrines that had been the target of such actions until Turkey's legitimate intervention in Cyprus on 20 July 1974, in the wake of a coup d'état carried out by Greece and its collaborators in Cyprus with the aim of annexing the island (see appendix).

I should be grateful if the text of the present letter and its attachment could be circulated as a document of the General Assembly, under item 61 of the provisional agenda, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

APPENDIX

List of mosques and Muslim shrines destroyed or damaged by Greek Cypriots until 20 July 1974

1. Omerge Mosque
2. Bayraktar Mosque
3. Tahtakala Mosque
4. Araplar Mosque
5. Dükkanlar Önü Mosque
6. Zeytinlik Mosque
7. Aşaği Deftera Mosque
8. Aşaği Lákadamya Mosque
9. Türkeli Mosque
10. Küçük Kaymakli Mosque
11. Yilmazköy Mosque
12. Dereliköy Mosque
13. Erenköy Mosque
14. Gaziler Mosque
15. Dereli Mosque
16. Demirhan Mosque
17. Minareliköy Mosque
18. Matyat Mosque
19. Madenliköy Mosque
20. Katalyonda Mosque
21. Somolof Mosque
22. Akaca Mosque
23. Güzelyurt Mosque
24. Orunda Mosque
25. Peristerona Mosque
26. Denya Mosque
27. Kurtboğan Mosque
28. Bozdağ Mosque
29. Flâsu Mosque
30. Mansur Mosque
31. Dali Mosque
32. Solya Mosque
33. Eylence Mosque
34. Balikesir Mosque
35. Arpalik Mosque
36. Aybifan Mosque

37. Mamundali Mosque
38. Ceyhan Mosque
39. Yuvali Mosque
40. Ovalik Mosque
41. Çatalköy Mosque
42. Beşparmak Mosque
43. Lapta Mosque
44. Kömürcü Mosque
45. Karşiyaka Mosque
46. Tepebaşi Mosque
47. Şirinevler Mosque
48. Hz. Ömer Shrine Mosque
49. Girne Mosque
50. Aga Cafer Pasha Mosque
51. Acemzade Mecidi Mosque
52. Zahuri Mosque
53. Koraku Mosque
54. Aredyu Mosque
55. Gürpinar Mosque
56. Linu Mosque
57. Yağmuralan Mosque
58. Süleymaniye Mosque
59. Selçuklu Mosque
60. Kuzucuk Mosque
61. Çayirova Mosque
62. Mutluyaka Mosque
63. Paşaköy Mosque
64. Alaniçi (Magosa) Mosque
65. Geçitkale (Magosa) Mosque
66. Adaçay Mosque
67. Boğaztepe Mosque
68. Pinarli Mosque
69. Atlilar Mosque
70. Bahçalar (Yeni İskele) Mosque
71. Yedikonuk Mosque
72. Elmali Mosque
73. Taşlica Mosque
74. Ceylân Mosque
75. Alsandik Mosque
76. Yerovasi Mosque

77. Bağlarbaşi Mosque
78. Silifke Mosque
79. Çeliktaş (Limasol) Mosque
80. Baf Mosque
81. Eledyu Mosque
82. Amarget Mosque
83. Aktepe Mosque
84. Akkargi Mosque
85. Poli Mosque
86. Hulu Mosque
87. Girittera Mosque
88. Olukönü Mosque
89. Çinarli Mosque
90. Aşaği Baf Mosque
91. Haci Mehmet Tekke Mosque
92. Turabi Mosque and Shrine
93. Düzova (Lárnaka) Mosque
94. Akkor Mosque
95. Aksu Mosque
96. Maroni Mosque
97. Kalavason Mosque
98. Lefkara Mosque
99. Çamlibel (Lárnaka) Mosque
100. Akhisar Mosque
101. Ummu Haram Mosque
102. Aplenda Mosque
103. Alâ-tirke Mosque